



United States Department of Agriculture

# Helena Ranger District Administrative Site Conveyance Environmental Assessment



Forest Service

Helena-Lewis and Clark National Forest  
June 2017

Helena Ranger District



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\*Cover photo, Old Helena District Ranger Station, photo by Debbie Davis, 06/10/2015.

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# 1. Introduction

The Forest Service, Helena-Lewis and Clark National Forest, Helena Ranger District, is proposing the sale of land and buildings of the former Helena Ranger District Administrative Site under the Forest Service Facility Realignment and Enhancement Act (P.L. 109-54), as amended. The proposed sale includes 10 buildings on approximately 14 acres of land.

The Forest Service prepared this environmental assessment to determine whether implementation of the proposed sale of the administrative site would significantly affect the quality of the human environment and thereby require the preparation of an environmental impact statement. By preparing this environmental assessment, the Forest Service is fulfilling agency policy and direction to comply with the National Environmental Policy Act (NEPA). For specific details on the proposal, see the Proposed Action and Alternatives section of this document.

## 1.1. Project Location

The project area is located within the City of Helena, at the intersection of the Cedar Street exit from northbound Interstate 15 and Airport Road. Figure 1 and Figure 2 provide a general location and more detailed location of the parcel, respectively. The property is in Lewis and Clark County, Montana, within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, Township 10 North, 3 West, Principal Meridian Montana. The parcels proposed for sale are the Phoenix Avenue Addition Subdivision, Blocks 10 and 11; Amended Airport Addition Subdivision COS 3149196, Block 1, Lot 13 and Block 4 Lot 21; COS 494920/B; and COS494919/T on Figure 2. Phoenix Avenue Addition Subdivision, Block 12 and Amended Airport Addition Subdivision COS 3149196, Block 5 Lots 21 and 22 are not included in the proposed sale, see Figure 1 and Figure 2.

## 1.2. Background

Between the mid-1950s and 2010 the project site served as a work center, ranger station, and administrative site for the Helena District of the Helena National Forest. The 10 buildings proposed for sale served a variety of uses for the Ranger District, including office space, material and equipment storage, and staff housing. The overall site occupies approximately 13.98 acres, and includes parking areas, building lawns, and pasture for stock. The site has been graded, graveled in some areas, and planted with lawn or pasture grass in others. The dominant site vegetation is semi-arid grassland and shrub land. Mature trees on the site were likely planted as building landscaping or windbreaks, and do not reflect local hydrology or native forest composition.

The area surrounding the project site includes commercial, residential, and industrial land uses. This property is located in Helena, the capital of Montana. Interstate Highway 25 abuts the site to the west, with a residential neighborhood of manufactured housing on the other side of the highway. The Helena Regional Airport abuts the site to the northeast. Land uses to the south and east of the site include automotive repair shops, institutional uses, and storage facilities. The US Forest Service will retain a parcel of approximately 4 acres directly south of the project site for equipment and materials storage (Amended Airport Addition Subdivision COS 3149196, Block 5 Lot 21, and Phoenix Avenue Subdivision Block 12 on Figure 2). The project site is located in the Upper Missouri River watershed.

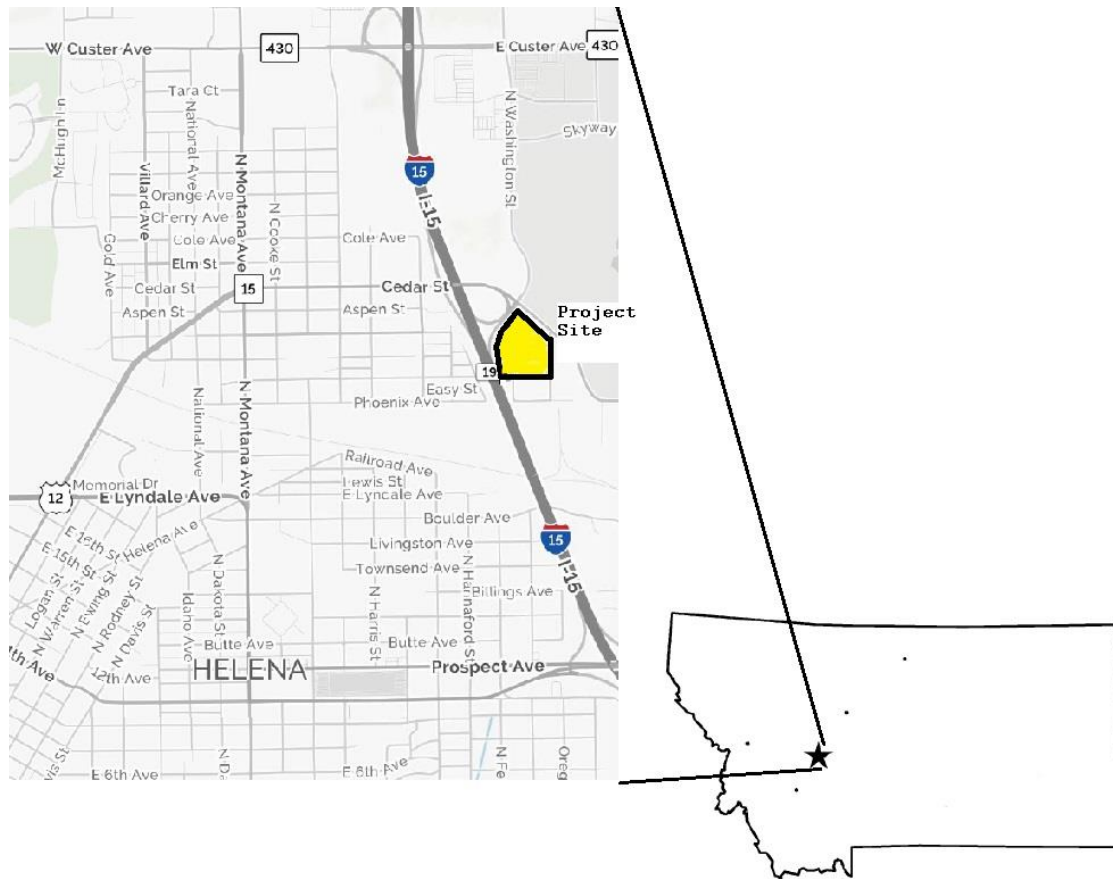


Figure 1. Site Vicinity Map



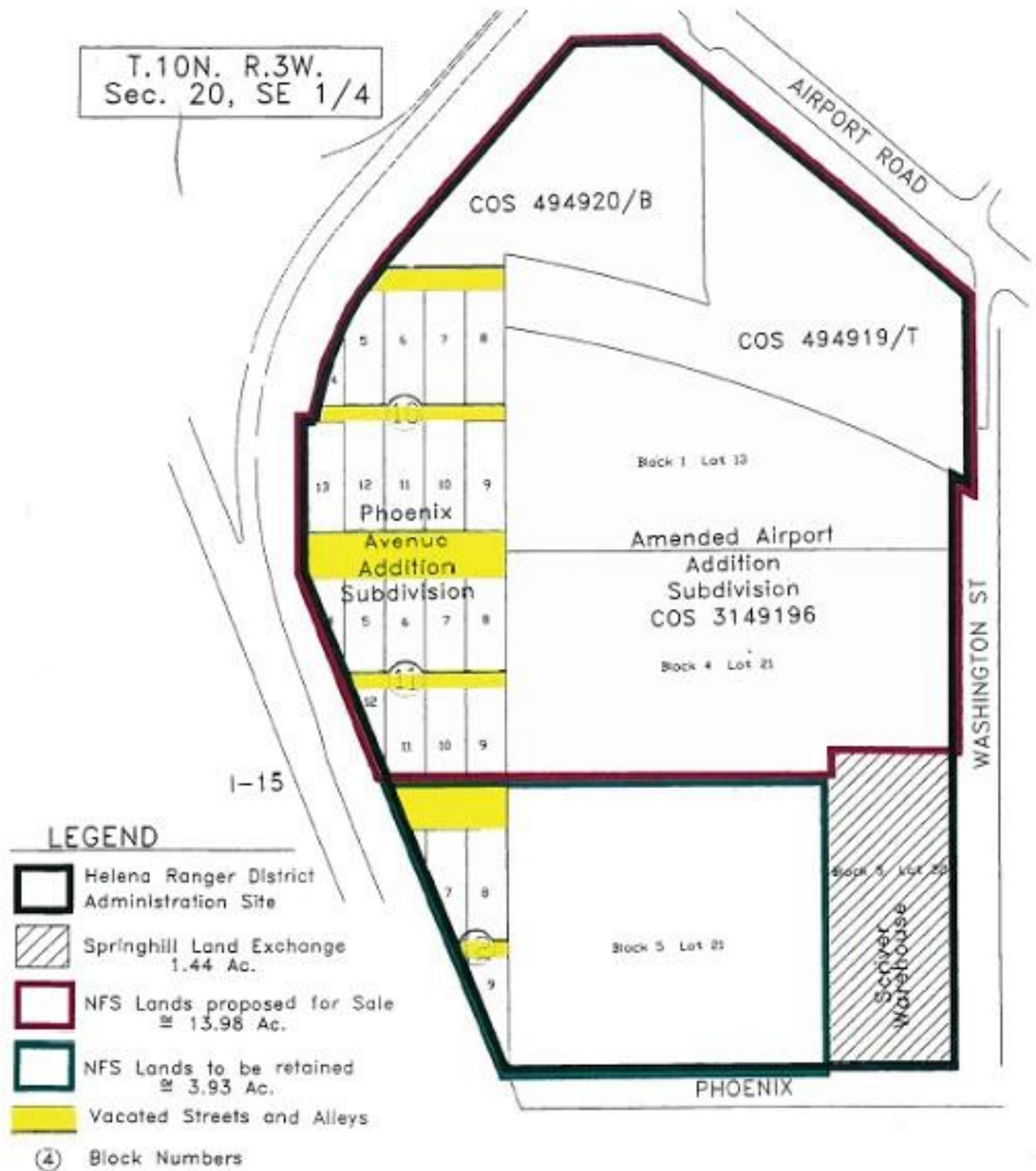


Figure 2. Project Site Detail

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## 2. Purpose and Need for Action

The Helena-Lewis and Clark National Forest identified a number of facilities and administrative sites that were no longer needed for administration of the Forest through their Facility Master Plans, which was approved by the Regional Forester on December 20, 2016.

This proposal is needed to relieve the Helena Ranger District of the Helena-Lewis and Clark National Forest of the cost of maintaining an administrative site no longer needed for District operations. The site had served as the Ranger District in a variety of roles including a work center, ranger station, employee housing, horse stable and pasture, and administrative site from the mid-1950s until 2010, when the district office moved to a new facility at 2880 Skyway Drive in Helena, Montana. Since the 2010 the buildings at the project site have been largely vacant or underused for temporary materials storage.

The proposed land sale is authorized under the Forest Service Facilities Realignment and Enhancement Act of 2005, as amended, which allows conveyance of lands and facilities determined to be surplus (i.e., no longer needed to further the Forest Service mission). The Helena National Forest's Facility Master Plan (2016) identified buildings on the project site as surplus. Under the Forest Service Facilities Realignment and Enhancement Act, proceeds of the sale may be used for acquisition or enhancement of Forest Service facilities.

The proposed land sale is consistent with the Helena National Forest Plan, which authorizes replacement of administrative facilities that are no longer cost effective to maintain or expand or are inadequate to the serve the needs of resource management (USDA Forest Service 1986, pII-30).

### 3. Public Involvement and Tribal Consultation

The Forest Service consulted the following individuals, Federal, State, Tribal, and local agencies during the development of this environmental assessment.

On April 10, 2015, the Helena Ranger District sent letters describing the proposed sale of the administrative site to the following local and State of Montana officials:

Steve Bullock, Governor, State of Montana  
Jessica Bush, Review and Compliance Officer, Montana State Historic Preservation Office  
Sheila Hogan, Director, State of Montana Department of Agriculture  
John Tubbs, Director, State of Montana Department of Natural Resources Conservation  
Ron Alles, City Manager, Helena  
Eric Bryson, Chief Administrative Officer, Lewis and Clark County

On October 26, 2015, the Helena Ranger District sent letters describing the proposed sale to the following Federal, Tribal and State officials:

Jon Tester, United States Senate  
Steve Daines, United States Senate  
Ryan Zinke, United States House of Representatives  
Harry Barnes, Chairman, Blackfeet Nation  
Ken St. Marks Chairman, Chippewa Cree Tribe  
Vernon Finley, Chairman, Confederated Salish and Kootenai Tribes  
Darrin Old Coyote, Chairman, Crow Nation  
Mark Azure, President, Fort Belknap Indian Community  
A. T. Stafne, Chairman, Fort Peck Assiniboine & Sioux Tribes  
Gerald Grey, Chairman, Little Shell Chippewa Tribe  
Llevando Fisher, President, Northern Cheyenne Tribe  
Randy Arnold, Supervisor, Region 2, State of Montana Department of Fish, Wildlife and Parks

Also on October 26, 2015 the Helena Ranger District sent a scoping letter describing the proposed sale and soliciting comments to owners of property adjacent to the project site. One comment letter was received from the Lewis and Clark County Weed District.

A legal notice of proposed realty action was posted in the *Helena Independent Record* on November 6, 2015. The project was listed on the Helena-Lewis and Clark National Forest internet website's schedule of proposed actions on January 1, 2016.

On April 5, 2017, the Helena Ranger District released for public comment a preliminary environmental analysis of the proposed sale. The District posted the preliminary environmental analysis on the Helena-Lewis and Clark National Forest internet website, and also posted a legal notice of the analysis' availability in the *Helena Independent Record*. The legal notice solicited public comments on the preliminary environmental analysis for a 30-day period ending on May 5, 2017. The District received no comments.

#### 3.1. Issues

The Montana State Historic Preservation Officer concurred with the Forest Service assessment that implementing the proposed action would adversely affect resources potentially eligible for listing on the National Register of Historic Places. The Forest Service developed a Memorandum

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of Agreement, with the State Historic Preservation Officer to address this issue (see Appendix A). The Memorandum of Agreement documents our commitment to protect and enhance other cultural resources owned by the Helena-Lewis and Clark National Forest to mitigate the effects of the proposed action.

The Lewis and Clark County Weed District expressed concern that purchasers of the land should be notified of State of Montana, Lewis and Clark County, and City of Helena policies and resolutions regarding control of noxious and nuisance weed species. This notice will be included in the bid package.

## **4. Proposed Action and Alternatives**

This section describes and compares the alternatives considered for the proposed administrative site sale (and alternatives considered but dismissed). It includes a description of each alternative considered. This section also presents the alternatives in comparative form, defining the differences between each alternative and providing a clear basis for choice among options by the decision-maker and the public.

### **4.1. Alternative 1 - Proposed Action**

The Helena-Lewis and Clark National Forest is proposing to sell a portion of the Helena Administrative Site. The tract for sale totals approximately 13.98 acres. The United States purchased the core of this site in late 1940s for Forest Service and Bureau of Land Management administrative offices. The Forest Service used the site to replace NFS lands inundated by Canyon Ferry Reservoir. The north and west sides of the tract were purchased by the Forest Service in 1992 and 1994. The tract has been used as a Work Center, Ranger Station, and administrative site. Past and present uses include office space, employee housing, fuel and pesticide storage, horse corral and pasture, and warehouse or equipment storage.

The property includes ten buildings. Six of the buildings were constructed from the late 1930s through early 1940s at the old Canyon Ferry Ranger Station, and were moved to their present location as a result of the land transfer relating to the inundation of the original ranger station by Canyon Ferry Reservoir. Four of the buildings are categorized as offices, four are storage, and the remaining two are service or other use. The following sub-section describes each of the ten buildings briefly.

The proposed sale would be offered at not less than the market value pursuant to the Forest Service Realignment and Enhancement Act of 2005, as amended (“FSFREA”). The bid package will contain notification of the environmental protections such as a requirement that the purchaser continue to manage weeds on the property in accordance with State of Montana, Lewis and Clark County, and City of Helena policies and resolutions.

#### **4.1.1. Building Descriptions**

Figure 3 depicts the location and general outline of each building on the site proposed for sale. A photograph and brief description of each building follows.

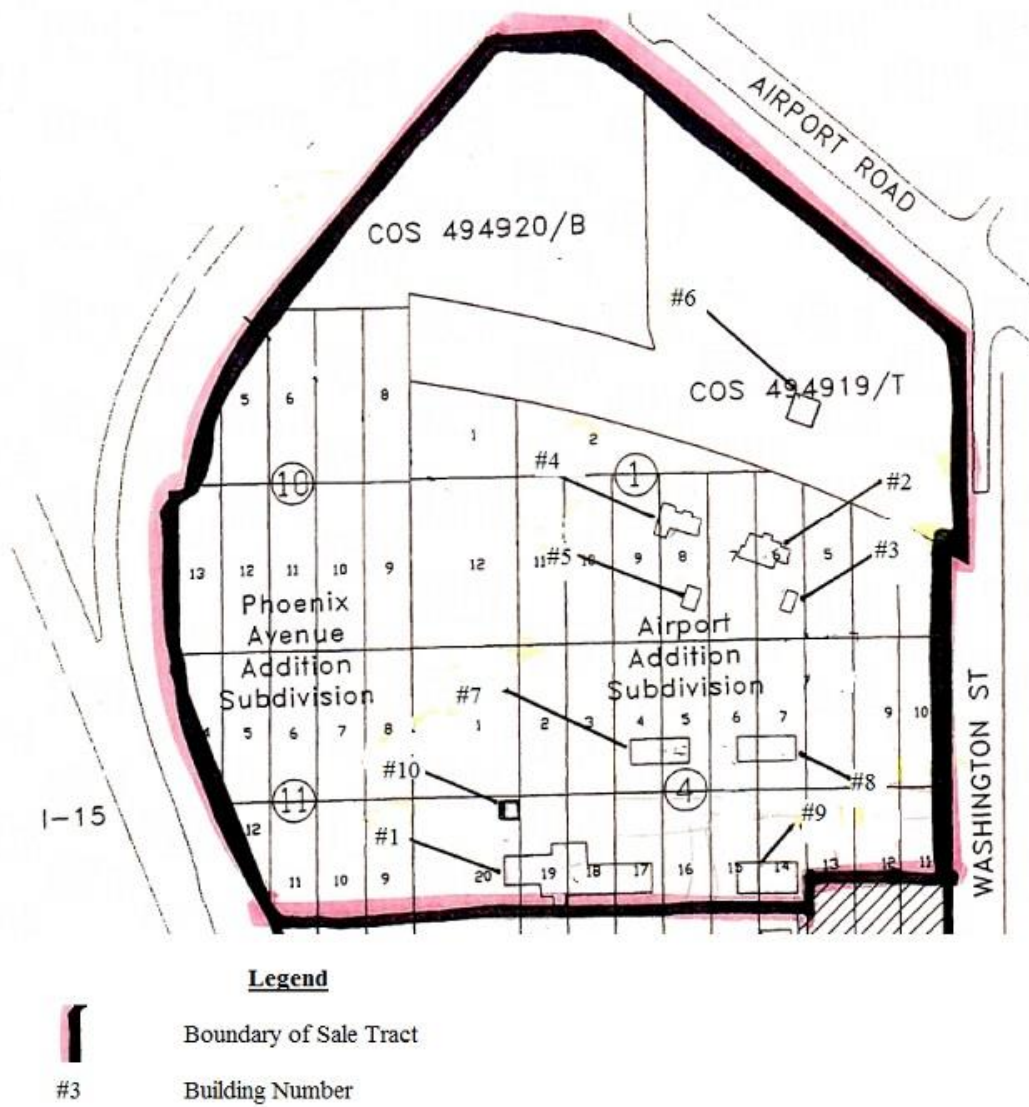


Figure 3. Buildings on Site Proposed for Sale



### **Building 1 District Office**

Building 1 is the former Ranger Station of the Helena Ranger District. The building has an irregular floor plan with maximum length of 111 feet from east to west and a maximum width of 50 feet from north to the south. The building is a frame structure, initially constructed in 1930s to serve as a trade school to teach carpentry. It was converted to a Forest Service District Ranger Office in 1948 and was vacated by the Helena Ranger District in 2010. The building has been modified several times, including reconstruction of its eastern wing after a 1975 fire.



### **Building 2 Law Enforcement Office**

Building 2 was used as an office for Law Enforcement staff of the Helena Ranger District. It was constructed in 1940 as a residence, and was moved to the project site in 1948 or 1949. It measures approximately 30 by 40 feet in area. Building 2 is a single story frame structure built over a concrete basement. All windows are currently covered with plywood boards.



### **Building 3 Law Enforcement Garage**

Building 3 is a single car garage associated with Building 2. It was built in the 1940s and moved to the project site in 1948 or 1949. Building 3 is a single story frame structure on a concrete slab and has an overhead door. The building is approximately 16 by 24 feet in size.





#### **Building 4 Hotshot Crew Office**

Building 4 was used as an office by the Helena Interagency Hotshot Crew, a 20 person wildland fire fighting team based at the Helena Ranger District. The building was constructed in 1940 as a residence and was moved to the project site in 1948 or 1949. The building is approximately 30 by 35 feet in area. The building is a frame structure over a concrete basement. All windows are currently covered with plywood boards.



#### **Building 5 Hotshot Crew Garage**

Building 5 is a single car garage associated with Building 4. It was constructed in the 1940s and moved to the project site in 1948 or 1949. Building 3 is a single story frame structure on a concrete slab and has an overhead door, side entry door, and windows. The building is approximately 16 by 24 feet in size.



#### **Building 6 Chamber of Commerce Office**

Building 6 was constructed on the site in the 1980s, before the US Forest Service acquired this portion of the project site. The building was constructed as a recreational vehicle sales office, and later served as an office for the local chamber of commerce. It is a wood frame building constructed on a concrete slab. Building 6 measures approximately 15 by 35 feet.





### Building 7 Fire Office

Building 7 was constructed on the project site in the 1940s. It has served as a warehouse and, most recently as office space. The building measures 26 by 63 feet. It is a wood frame building with metal siding.



### Building 8 Fire Cache

Building 8 was constructed on the project site in the 1940s. It has been used as fire cache, or storage area for firefighting equipment and supplies. It is very similar in size and construction to Building 7.



### Building 9 Warehouse

Building 9 was constructed at the Canyon Ferry Ranger District site in the late 1930s and was moved to the project site in 1949. It has been used as a garage, shop and warehouse. The building measures 31 by 61 feet, and is a frame structure with steel siding on a concrete slab.



### Building 10 Seed Storage House

Building 10 was constructed at the Canyon Ferry Ranger District site and moved to the project site in 1949. It has been used as a gas house and seed storage house. The building measures 12 by 14 feet and has one window and one door.

## **4.2. Alternative 2, No Action**

Under the No Action alternative, the Helena Ranger District would retain the project site and buildings. The the district no longer has any need of these buildings so they would likely remain vacant and receive only basic maintenance.

## **4.3. Action Considered but Dismissed from Further Consideration**

The Helena-Lewis and Clark National Forest considered selling all of the Helena Administrative Site. This would include southern portion of the site, bounded by green on Figure 2. Project Site Detail. The additional area constitutes approximately 3.93 acres. Upon investigation, however, the Forest determined that administrative services provided by this portion of the site were necessary. Sale of the southern portion of the site would thus require obtaining additional administrative facilities elsewhere, at additional cost. This alternative was not further investigated.

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## 5. Environmental Impacts of the Proposed Action and No Action Alternative

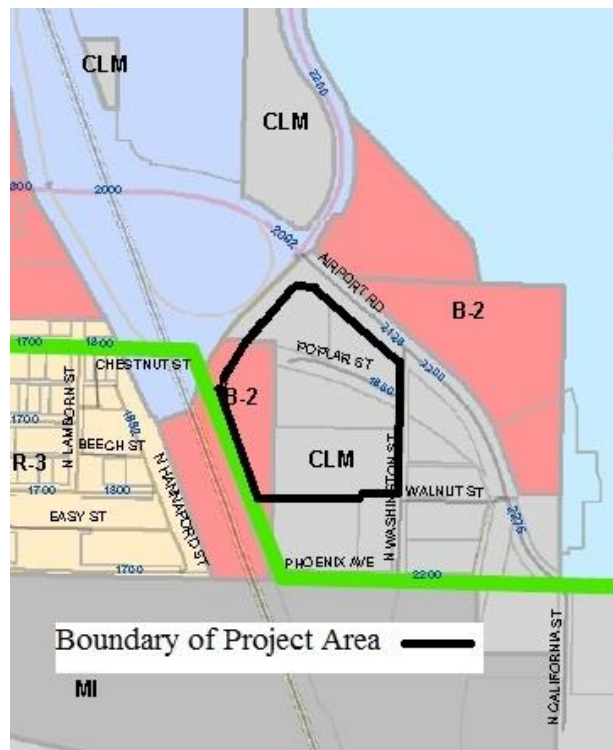
This section summarizes the potential impacts of the proposed action and no action alternatives for each impacted resource. Resources that were not impacted and therefore not further analyzed include: Geology and Soils, Timber, Prime Farmland, Wetlands, Flood Plains, Threatened or Endangered Species, Environmental Justice, and Water Resources. Specialists' reports prepared for each resource documenting no affect from the proposed are available for review in the project record.

### 5.1. Land Use

#### 5.1.1. Affected Environment

The project site is currently vacant, but has been used by the Helena Ranger District for offices, staff housing, horse corral and pasture, fuel and pesticide storage, and warehouse or equipment storage. These uses were consistent with the surrounding land use patterns, which include similar, ongoing administrative and storage use by the Helena Ranger District to the south of the site, residential uses across Interstate Highway 15 to the west of the site, various commercial and institutional uses to the immediate east and north of the site, and the Helena Regional Airport further to the east.

City of Helena zoning of the project site is primarily the CLM (commercial light manufacturing) district with some B-2 (general commercial) district on the western limits of the project site adjacent to Interstate Highway 15 (see Figure 4).



These land use zoning districts are described as follows in the Helena City Code:

The CLM (commercial-light manufacturing) district provides for the community's commercial and light manufacturing needs. These uses generally need access to the city's transportation amenities and should be located to reduce adverse impacts upon residential neighborhoods in the city.

The B-2 (general commercial) district provides for compatible residential uses and a broad range of commercial and service uses that serve large areas of the city and that are normally required to sustain a community (Helena, Montana City Code, Title 11, 2015).

The existing vacant office, warehouse, and shop buildings on the project site are compatible with City of Helena zoning of the site and surrounding areas. The residential buildings are not strictly compatible, as these districts allow second-floor residential uses above ground floor retail or commercial uses (Helena, Montana City Code, Title 11-2-5 D. 2015). The site can be considered underutilized due to the low density of development and current vacancy of its buildings (Moskowitz and Lindbloom 1993).

### **5.1.2. Effects**

#### **Alternative 1 -Proposed Action**

Sale of the project site, as proposed, would make it available for redevelopment. Any purchaser would redevelop the site subject to current City of Helena zoning and building codes, assuring consistency with local land use patterns. This would be a minor, long-term positive effect to land use in the project site's immediate area. In the context of the City of Helena's incorporated area of 16.5 square miles, or approximately 10,600 acres, socioeconomic effect of this approximately 14 acre site entering the private development market would be minimal.

#### **Alternative 2, No Action**

Under current management, the site would remain underutilized. Helena Ranger District management would provide modest maintenance of the buildings and grounds. As the ranger district has no need of these buildings, they would remain vacant and continue to slowly deteriorate.

## **5.2. Cultural Resources**

### **5.2.1. Affected Environment**

Archaeological evidence suggests human residence in the Helena area since 12,000 years before present. Although not known to have ever been a permanent town settlement of any Native American group, the Helena valley became a "transitional zone" through which such tribes as the Blackfeet, the Salish, the Crow, and the Bannock moved regularly (Division of Indian Education 2009). The Lewis and Clark Expedition crossed through the area in 1805 and 1806, when trappers employed by fur companies were also beginning to enter the area. The tribal reservation nearest the project area is the Flathead Reservation, located approximately 100 miles to the northwest.

The first large influx to European-Americans occurred in 1864, in response to a gold strike at Last Chance Gulch. Gold mining established the City of Helena, but there is no history of active mining on the project site. It is likely, however, given the volume of mining that occurred in Helena in the late 1800s, that the project site has been prospected for minerals (Rusho 2015). As

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described above, the Ranger Station was established to replace the Canyon Ferry Ranger Station when that facility was inundated by the waters of the Canyon Ferry Reservoir.

Cultural and historic resources are protected by a variety of laws and regulations, including the National Historic Preservation Act, as amended, and the Archaeological Resources Protection Act. Section 106 of the National Historic Preservation Act and implementing regulations (36 CFR 800) require Federal agencies to consult with State Historic Preservation Officers if agency actions may affect properties included in or eligible for inclusion in the National Register of Historic Places. The criteria for listing properties in the National Register of Historic Places are defined as:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of significant persons in our past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield, information important in history or prehistory (36 CFR 0.4).

Buildings or districts less than 50 years old are generally excluded from eligibility. As these criteria are fairly subjective in nature, agencies are instructed to defer to local experts, particularly State Historic Preservation Officers and Tribal Historic Preservation Officers (King 2004). In 2015, the Beaverhead – Deerlodge National Forest Archaeologist, working on behalf of the Helena-Lewis and Clark National Forest, analyzed the project site and its buildings, and submitted a cultural site record report to the Montana State Historic Preservation Officer for concurrence. In this analysis the Forest Archaeologist determined that several buildings on the project site were potentially eligible for listing on the National Register of Historic Places under criteria A or C, above. The State Historic Preservation Officer concurred with this determination and invited the Helena National Forest to enter into a memorandum of agreement (see Appendix A) to mitigate the potential loss of protection of these buildings upon sale of the project site. The memorandum of agreement, executed on June 17, 2016, commits resources to protect and preserve other historic resources off site in compensation for the potential loss of those on the site.

### **5.2.2. Effects**

#### **Alternative 1 - Proposed Action**

Sale of the project site would remove Federal protection of the site's structures. It is possible that all or some of the buildings would be razed or moved off-site by the new owner in order to allow site redevelopment and use. The Forest determined the conveyance of this property, which is eligible for inclusion in the National Register of Historic Places (NRHP), has an effect and has

consulted with the Montana State Historic Preservation Office. An assessment of effects was completed on July 16, 2015, for this proposal. This Assessment documented the determination of an Adverse Effect for site 24LC0863. Consequently, a Memorandum of Agreement between the Forest and the State Historic Preservation Office has been developed pursuant to Section 106 of the National Historic Preservation Act. This Memorandum of Agreement (Appendix A) identifies stipulations the Forest must follow if a decision is made to convey the identified property. The Memorandum of Agreement outlines photographic documentation that is required prior to conveyance, an allocation of \$20,000 for preservation work on other historic sites on the Forest, an inspection by Forest heritage staff of the conveyance site prior to the execution of off-site compensatory conservation efforts, and reporting requirements for the off-site preservation efforts prior to any work being conducted.

### **Alternative 2, No Action**

Resources on the project site would remain in ownership of the U.S. Government, and thus retain Federal protection under Section 106 of the National Historic Preservation Act. Helena Ranger District management would provide modest maintenance of the buildings and grounds. As the ranger district has no need of these buildings, they would remain vacant and continue to slowly deteriorate. None of the stipulations from the June 17, 2016 Memorandum of Agreement with the Montana SHPO would be applicable and none would be executed. That Memorandum of Agreement would be terminated.

## **5.3. Hazardous Materials**

### **5.3.1. Affected Environment**

Ecosystem Research Group (ERG) conducted a Phase I Environmental Site Assessment of the project site under contract to the USDA Forest Service in 2008. An Enterprise Team USDA Forest Service Civil Engineer is updating this assessment in 2016, with a final report anticipated in late spring. Little change is anticipated between the 2008 and 2016 reports, as site use remained similar between 2008 and 2010, when the site was vacated by the Helena Ranger District.

The ERG assessment concluded that hazardous substances observed on the site in 2008; including welding gasses, pesticides, lubricants, and cleaning products; were used for their intended use and stored properly. As such they were not characterized as hazardous material concerns. A review of government agency listings conducted by ERG indicated:

- (1) the site is not referenced as using, generating, storing, or disposing of hazardous substances;
- (2) underground storage tanks have not been permitted for the site, or for any properties adjacent to the site; and
- (3) unauthorized releases of petroleum hydrocarbons and/or hazardous substances have not been reported for the site, but have been reported for seven properties in the site's vicinity. None of the nearby releases, however, resulted in contamination of the site (ERG 2008).

The report did identify two potential concerns. Soil lead levels adjacent to Building 2, the law enforcement office, and Building 4, the hotshot crew office, were elevated, likely due to chips of paint containing lead weathering from the buildings and falling onto the soil. Floor tiles in these

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buildings also appeared to contain asbestos, a potentially hazardous material if the tiles are damaged and the asbestos is thus released.

### **5.3.2. Effects**

#### **Alternative 1 -Proposed Action**

Upon sale of the project site, the purchase deed would include disclosure of elevated lead levels near Buildings 2 and 4 and asbestos containing tiles in these buildings. The new owner would be responsible for remediating these conditions. No change in hazardous material condition would result from the proposed action.

#### **Alternative 2, No Action**

The project site would remain vacant as an unused site administered by the Helena Ranger District. As the buildings continue to be exposed to the elements with little maintenance, surfaces would continue to weather. Some additional flaking of lead-containing paint would likely occur, adding lead to the soil adjacent to some of the buildings. No other change in site hazardous materials would occur, as no such materials are currently stored on the site.

## **5.4. Human Health and Safety**

### **5.4.1. Affected Environment**

The project site includes ten vacant buildings in various stages of disrepair. These buildings could pose a hazard to trespassers who enter buildings or their grounds. Although the site is closed to public access, the concept of “attractive nuisance” applies to vacant buildings that may attract curious youths. This concept is an exception to the general rule that no particular care is required of property owners to safeguard trespassers from harm. An attractive nuisance may be unenclosed pools, stacks of building materials, vacant buildings, or other conditions that present both an irresistible lure and hidden danger to youth. Most natural conditions, such as a lake or a naturally steep bank, are not considered attractive nuisances (Thomson Reuters 2016). This concept assumes that youths are less likely to obey no trespassing signs and property boundaries than adults, particularly when an attraction exists on the closed property.

The abandoned buildings on the project site may attract trespass occupants, who have easy access to the site via Helena city streets. In their vacant condition, these buildings pose a variety of safety hazards to trespassers, and are difficult to secure from unauthorized entry.

### **5.4.2. Effects**

#### **Alternative 1, Proposed Action**

Sale of the property would not change the potential minor safety hazard posed by vacant buildings.

#### **Alternative 2 - No Action**

The project site would remain vacant as an unused site administered by the Helena Ranger District. As the buildings continue to be exposed to the elements with little maintenance, they would gradually become more dilapidated. The vacant buildings would continue to pose a minor, long term safety hazard as an attractive nuisance.



## 5.5. Cumulative Effects

The proposed action will have only very minor effects in a small geographical context. We do not anticipate any cumulative effects of the proposed action and other related past or present actions. One reasonably foreseeable future action, reuse of the site by the ultimate purchaser, would have minor positive cumulative effects. Site reuse would likely include demolition or rehabilitation of site buildings. This would result in a minor, long-term reduction in their current safety risk as attractive nuisances, and similarly result in removal of the minor hazardous material risk posed by flaking lead based paint from two of the buildings.

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- USDA Forest Service. 1986. Forest Plan Helena National Forest. 290pp.

## **7. Appendix A**

Memorandum of Agreement between USDA Forest Service Helena-Lewis and Clark National Forest and Montana State Historic Preservation Office

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**MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN  
USDA FOREST SERVICE, HELENA-LEWIS AND CLARK NATIONAL FOREST  
AND  
MONTANA STATE HISTORIC PRESERVATION OFFICE (MTSHPO)  
REGARDING  
HELENA RANGER STATION CONVEYANCE IN  
LEWIS AND CLARK COUNTY, MONTANA**

**WHEREAS**, USDA Forest Service has determined that the Helena Ranger Station Conveyance, Project No. R201501120004A, Lewis and Clark County, Montana, will have an effect upon one property eligible for inclusion in the National Register of Historic Places (NRHP), and has consulted with the Montana State Historic Preservation Office (MT SHPO) and pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470F); [and Section 110(f) of the same Act (16 U.S.C. 470h-2(f)) and,

**WHEREAS**, this agreement has been developed pursuant to Section 106 of the National Historic Preservation Act and one NRHP eligible property (24LC0863) was identified in the project's area of potential effects; and,

**WHEREAS**, the H-L&C NF has defined the undertaking's area of potential effect (APE) as consisting of a 13.98 acre area encompassing a historic administrative facility, warehouses, and outbuilding located in the southwest ¼ of Section 20, Township 10 North, Range 3 West, NE ¼ of Section 29, Township 10 North, Range 3 West, Lewis and Clark County, Montana; and,

**WHEREAS**, an Assessment of Effects was completed on July 16, 2015 for this resource with a finding of Adverse Effect for site 24LC0863; and,

**WHEREAS**, the Helena Ranger District of the Helena-Lewis and Clark National Forest public involvement efforts have included a 30-day general public scoping as part of the NEPA process including consultation with the MT State Historic Preservation Office and Native American Tribes with cultural affiliation to the local landscape; and,

**WHEREAS**, the Advisory Council on Historic Preservation has been notified and has declined to participate and comment on this MOA; and,

**NOW, THEREFORE**, the H-L&C NF, the MTSHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on the historic properties.

**STIPULATIONS**

The Helena-Lewis & Clark National Forest will ensure the following measures are carried out:



## I) DOCUMENTATION

Digital color photographs will be taken prior to conveyance and the existing site form will be updated for placement in the original site file. This documentation will include a photo key, numbered photos, and views including setting, interior, exterior, and specific features. Photographic documentation will meet current National Register photography standards.

## II) TERMS OF CONVEYANCE

- The USDA Northern Region Regional Office (RO) may allocate \$20,000.00 US dollars generated from the sale of the Helena Ranger Station property to the Helena-Lewis and Clark National Forest Facility program.
- If the RO does not allocated the funding the Helena National Forest will allocate the funding to complete the following preservation work.
- These funds will be used for preservation work to Moose Creek Cabin (24PW1092), Kading Cabin (24PW0463), and Washington Gulch Cabin (24LC0934). Preservation goals for the cabins include:
  - Moose Creek Cabin – Porch reconstruction to finish restoration efforts with in-kind materials.
  - Washington Gulch Cabin – Stabilization and Restoration: Installing a new roof, interior cleanup, new windows, new interior flooring, and sill log replacement all with in-kind materials.
  - Kadin Cabin – Roof repair to prevent ice jams between shed and cabin.

III) PERSONNEL - The H-L&C NF heritage staff will visit and inspect the Helena Ranger Station before the undertaking to conduct a and facilitate the terms of preservation work to the Moose Creek, Washington Gulch, and Kadin Cabins agreed to in this document.

IV) REPORTING - The H-L&C NF will submit an official cultural report detailing the proposed work to Moose Creek, Washington Gulch, and Kadin Cabins and recommend effect prior to any work being conducted at the sites.

## V) DURATION

This MOA takes effect upon obtaining all signatures to the document. This MOA will be null and void upon completion of the agreed mitigation or five years from the date of execution of the MOA whichever occurs first. Prior to such time, any of the Parties hereto may consult to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below.

## VI) DISPUTE RESOLUTION

Should MTSHPPO object within thirty (30) days to any plans provided for review pursuant to this MOA, the H-L&C NF shall consult with the MTSHPPO to resolve the objection. If the H-L&C NF determines that the objection cannot be resolved, the H-L&C NF shall request further comments or recommendations of the Advisory Council on Historic Preservation (ACHP) concerning the dispute pursuant to 36 CFR Part 800. Any ACHP comment provided in response to such a request will be taken into account by the H-L&C NF in accordance with 36 CFR Part 800 with reference only to the subject of the dispute. If H-L&C NF determines that the objections(s) cannot be resolved, H-L&C NF will:

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- A. Forward all documentation relevant to the dispute, including the H-L&C NF proposed resolution, to the ACHP. The ACHP shall provide the H-L&C NF with advice on the resolution of the objection within thirty days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the H-L&C NF shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them a copy of this written response. H-L&C NF will then proceed according to its final decision.
  - B. If the ACHP does not provide its advice regarding the dispute within the thirty day period, the H-L&C NF may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the H-L&C NF shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories, and provide them and the ACHP with a copy of such written responses.
  - C. H-L&C NF's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

#### VII) AMENDMENTS AND NONCOMPLIANCE

If any signatory to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other party to develop an amendment to this MOA pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy, signed by all of the original signatories, is filed with the ACHP. If within 30 days or another time period agreed to by all signatories, agreement to the terms of an amendment cannot be reached, any signatory may terminate the MOA in accordance with Stipulation VII, below and upon written notification to the other signatories.

#### VIII) TERMINATION

If the MOA is not amended following the consultation set out in Stipulation VI; it may be terminated by any signatory.

Once the MOA is terminated, and before work is resumed on the Undertaking, H-L&C NF must either (a) execute an MOA pursuant to 36 CFR Part 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR Part 800.7. H-L&C NF will notify the signatories as to the course of action it will pursue.

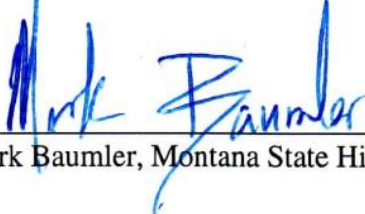
Execution of this MOA by the H-L&C NF and the MTSHPO, and the submission of documentation and filing of the MOA with ACHP pursuant to the 36 CFR 800.6(b)(1)(iv) prior to H-L&C NF's approval of this undertaking, and implementation of its terms, is evidence that the H-L&C NF has taken into account the effects of this undertaking on historic properties and has afforded the SHPO and ACHP an opportunity to comment on the effects of the project on historic properties.



**HELENA-LEWIS AND CLARK NATIONAL FOREST SUPERVISOR'S OFFICE**

BY:  DATE: 5/24/16  
William Avey, Forest Supervisor

**MONTANA STATE HISTORIC PRESERVATION OFFICE**

BY:  DATE: 6/17/2016  
Mark Bauml, Montana State Historic Preservation Officer